

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (LODGING) NO. 424 OF 2005

Novartis India Ltd.	.. Petitioner
V/s.	
Union of India & Others	.. Respondents

Mr. D.B. Shroff with Mr. Shiraz Rustamji i/b. M/s.
Crawford Bayley & Co. for the Petitioner
Mr. R.V. Desai with Mr. S.S. Pakale for the
Respondent Nos. 1 to 3.

**CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 11.02.2005**

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned counsel for the Respondent Nos. 1 to 3. The Respondent Nos. 4 and 5 are absent, though served. The learned counsel for the Petitioner brought to our notice that after filing of the above Petition, the Petitioner has been served with a copy of the letter from the Office of the Zonal Joint Director General of Foreign Trade, Churchgate, Mumbai dated 10.2.2005 addressed to the District Collector, Mumbai. The said letter makes it abundantly clear that the recovery letter, which was addressed to the Petitioner, shall be treated as withdrawn. A xerox copy of the said letter dated 10.2.2005 is taken on record and marked as 'X' for identification.

2. By this Petition, the Petitioner is basically challenging the action of the Respondent Nos. 4 and 5, who have issued recovery notice as well as warrant dated 18.1.2005 and 7.2.2005 respectively under the provisions of Maharashtra Land Revenue Code for recovering a sum of

Rs. 8,65,002/-.

(2)

3. In view of the aforesaid letter of the Zonal Joint Director General of Foreign Trade dated 10.2.2005, the very recovery letter has been withdrawn. Under these circumstances, the impugned notice dated 18.1.2005 and warrant dated 7.2.2005 can not be sustained, hence the same stands quashed. Hence Rule is made absolute in terms of prayer (a). The learned counsel for the Petitioner undertakes that the Petition will be numbered within a week from today and that the Petitioner will file a affidavit of service, within a period of one week from today. The Petition stands disposed of in the above terms. Issuance of Certified Copy expedited.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)